

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,) CRIM. NO. 04-30032-MAP
)
 vs.)
)
 FRANK KEOUGH, ET AL.)
)
 Defendant.)

GOVERNMENT'S MOTION TO STRIKE DISCOVERY LETTER

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and William M. Welch II, Assistant United States Attorney, hereby files this motion asking the Magistrate Judge to strike the defendant's discovery letter and order the defendant to file a revised discovery letter.

Local Rule 116.3(D) specifically states that

[a] defendant participating in automatic discovery must not request information expressly required to be produced under Local Rule 116.1; all such information is by these Local Rules deemed ordered by the court to be produced.

Automatic discovery under Local Rule 116.1(C)(1)(a) includes all Rule 16 materials.

On June 6, 2006, the defendant filed a twenty-nine page discovery letter that clearly includes requests for Rule 16 materials. For example, Request 3 requests all reports and

results of scientific tests, which is the same information required to be produced pursuant to Rule 16(a)(1)(D).¹ Request 13 asks for all tangible objects of the defendant. Once again, this is the same type of information required to be produced pursuant to Rule 16(a)(1)(C).²

Rather than the Government and/or the court reviewing request by request the defendant's discovery letter to determine if the request is merely duplicative of the Government's automatic discovery obligations, the Government asks the court to order the defendant to conduct a good faith review of his discovery letter under Local Rule 116.3(D) and file a new discovery letter that does not include requests for materials required to be produced as automatic discovery. This will make the upcoming status conference more efficient and less time-consuming.

Filed this ____th day of June, 2006.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

 \s\ William M. Welch II
WILLIAM M. WELCH II
Assistant United States Attorney

¹Rule 16(a)(1)(D) subsequently was re-numbered Rule 16(a)(1)(F).

²Rule 16(a)(1)(D) subsequently was re-numbered Rule 16(a)(1)(F).

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
June 19, 2006

I, William M. Welch, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by electronic service upon:

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\s\s William M. Welch II
WILLIAM M. WELCH II
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